

**ENTERED**

April 07, 2021

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

VS.

2.602 ACRES OF LAND, more or less, in §  
STARR COUNTY, TEXAS; JOSE §  
MANUEL VILLARREAL; and ARMANDINA §  
B. VILLARREAL, §

Defendants.

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CIVIL ACTION NO. 7:20-cv-00283

## ORDER

The Court now considers the parties’ “Joint Motion for Order Establishing Just Compensation, Granting Possession, and Distributing Funds on Deposit in the Registry of the Court for Tract RGV-RGC-6023.”<sup>1</sup> There are two such joint motions filed on the Court’s docket within ten minutes of each other, which are identical except that the later-filed motion includes exhibit maps.<sup>2</sup> The Court accordingly **STRIKES** the first joint motion<sup>3</sup> and considers only the later-filed joint motion.

This case is an eminent domain case brought under the Declaration of Taking Act<sup>4</sup> concerning the Subject Property, designated as Tract RGV-RGC-6023, as more particularly described in the United States' property description and map,<sup>5</sup> which is 2.602 acres of land located in Starr County, Texas. The United States commenced this case on September 18, 2020.

<sup>1</sup> Dkt. Nos. 29–30.

<sup>2</sup> Compare Dkt. No. 29, with Dkt. No. 30.

<sup>3</sup> Dkt. No. 29.

<sup>4</sup> 40 U.S.C. §§ 3111–18.

<sup>5</sup> Dkt. No. 1-1 at 6–12.

with a complaint, declaration, and notice.<sup>6</sup> On October 21, 2020, pursuant to Federal Rule of Civil Procedure 71.1(j)(1) and 40 U.S.C. § 3114(b), the United States deposited \$31,673 in estimated just compensation.<sup>7</sup> The United States designated nine interested party Defendants, not including the unknown heirs of two deceased individuals.<sup>8</sup> The United States obtained waivers of service for five individuals<sup>9</sup> and disclaimers from the other four.<sup>10</sup> The Court dismissed the disclaimed individuals.<sup>11</sup> The United States then properly served the unknown heir Defendants via publication.<sup>12</sup> No other Defendants appeared. After the Court held an initial pretrial conference, the parties requested and received a briefing schedule to ascertain the proper ownership interests in the Subject Property.<sup>13</sup> At the end of the briefing schedule, the Court ascertained the ownership interests in the Subject Property as follows:

- 33.33333% interest belongs to Jose Manuel Villarreal alone,
- 27.56% interest belongs to Jose M. Villarreal<sup>14</sup> together with his wife Armandina B. Villarreal, and
- the remainder is unaccounted for because Luz Rodriguez has no known heirs to whom her one-third interest was distributed and Maria V. Gomez disclaimed her approximate 5.8% interest.<sup>15</sup>

In the instant joint motion, Defendants Jose M. Villarreal and Armandina B. Villarreal seek to memorialize and effectuate their agreement with the United States on the possession of the subject property, the amount and disbursement of just compensation for the taking, and to

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<sup>6</sup> Dkt. Nos. 1–3.

<sup>7</sup> Dkt. No. 10.

<sup>8</sup> Dkt. No. 1-1 at 19–20.

<sup>9</sup> Dkt. Nos. 6–9, 11.

<sup>10</sup> Dkt. Nos. 12–15.

<sup>11</sup> Dkt. No. 16.

<sup>12</sup> Dkt. Nos. 19, 22; *see* FED. R. CIV. P. 71.1(d)(3)(B).

<sup>13</sup> *See* Minute Entry (Dec. 15, 2020); Dkt. No. 24.

<sup>14</sup> A review of the record indicates that “Jose Manuel Villarreal” and “Jose M. Villarreal” are one and the same person. *See* Dkt. No. 1-1 at 19; Dkt. No. 17-1 at 1 (schedule of interested parties naming only “Jose M. Villarreal”); Dkt. Nos. 26-11, 26-14 (relevant conveyances of property to “Jose Manuel Villarreal” and “Jose M. Villarreal,” both of Rio Grande City, Texas); Dkt. No. 27 (brief signed by “Jose M. Villarreal” but describing “Jose Manuel Villarreal’s” property interests).

<sup>15</sup> Dkt. No. 28 at 5.

terminate this case.<sup>16</sup> The Court finds good cause in the parties' settlement agreement to conclude this case and **GRANTS** the joint motion<sup>17</sup> upon the terms that appear in the Court's final judgment. Upon entry of the final judgment, this case will terminate and the Clerk of the Court is instructed to close this case.

IT IS SO ORDERED.

DONE at McAllen, Texas, this 7th day of April 2021.

A handwritten signature in black ink, appearing to read 'M. Alvarez', is written over a horizontal line.

Micaela Alvarez  
United States District Judge

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<sup>16</sup> Dkt. No. 30.

<sup>17</sup> Dkt. No. 30.